



85-09-001-5562

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 28 2009

REPLY TO THE ATTENTION OF:

R-19J

Ms. Marilyn Cage
Director of Legislative Affairs
Office of Representative Craig Fry
Indiana House of Representatives
200 West Washington
Indianapolis, Indiana 46204

Dear Ms. Cage:

Thank you for your email correspondence dated October 16, 2009 addressed to my staff concerning the VIM Recycling, Inc. (VIM) facility in Elkhart, Indiana. My staff has reviewed your email as well as the reports referenced in your email.

As you may know, representatives from the U.S. Environmental Protection Agency, Region 5, visited the site and identified open burning of wood waste on May 5, 2009. A Notice of Violation (NOV) was subsequently issued to VIM on May 8, 2009. EPA and VIM entered into an Administrative Consent Order (ACO) on June 29, 2009 aimed at mitigating the open burning. The ACO is aimed solely at mitigating the open burning conditions within the C-Pile, a large accumulation of scrap wood waste which ignited during a fire in June of 2007.

EPA believes that working with VIM under the ACO is the best near-term option to address the C-Pile. The removal strategy required by the ACO is based on the fact that the larger fraction of the waste contained within the C-Pile (wood waste greater than 4 inches in size) is a primary cause of the smoldering conditions persisting over the last two years. The excavation and removal project continues on schedule and should be completed by the deadline stipulated in the ACO of December 31, 2009. The operation inevitably involves emissions of steam, smoke and odors as the hot waste material is excavated, screened, and loaded into trucks. By taking this approach, EPA hopes to prevent an uncontrolled fire in the C-Pile which could result in more smoke and could require more significant environmental remediation in the future.

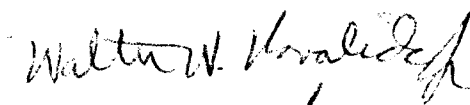
My staff has visited the site over 50 times since the removal project began to ensure that the provisions in the ACO are being met. In addition, field inspectors from the Indiana Department of Environmental Management (IDEM) have been conducting regular site inspections.

The weekly and monthly progress reports submitted by VIM are reviewed and correlated with field inspection reports generated by both EPA and IDEM. It is important to understand that the monthly reports generated by VIM are only intended to report progress on the status of the implementation of the ACO, and are not intended to address any issues or concerns associated with other aspects of VIM's operations at the Elkhart site or other facilities. With regard to the other sites referenced in your email (Warsaw, Indiana and Michigan), my staff is aware of these sites and has offered assistance to both IDEM and the Michigan Department of Environmental Quality to address environmental issues that may fall within the jurisdiction of EPA.

I assure you that EPA takes all calls by residents, elected officials and IDEM for assistance very seriously, and will continue to work diligently to oversee the successful completion of work being conducted pursuant to the ACO. Additionally, EPA will continue to offer assistance to state and local officials to address issues that may fall outside federal authority in the future.

Finally, I would like to reiterate the invitation, which has been extended on numerous occasions by my staff, for you and Representative Fry to visit the site to view the removal project in progress. If you are interested, please contact my staff to arrange a site tour. In the meantime, if you have any other questions, please feel free to contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional/Intergovernmental Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Bharat Mathur".

Bharat Mathur
for
Acting Regional Administrator